

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

)
MICHELLE THOMPSON,)
)
)
 Plaintiff,)
)
) CIVIL ACTION
v.) NO. 04-12301-RGS
)
)
BLOCKBUSTER INC. and JAY WELLS,)
)
)
 Defendants.)
)
)

AFFIDAVIT OF JENNY K. COOPER

I, Jenny K. Cooper hereby declare under penalty of perjury:

1. I am over 18 years of age, am competent to testify, and am not laboring under any disability. This declaration is based upon personal knowledge.

2. I am an associate at the law firm of Bingham McCutchen LLP and am one of the attorneys representing the defendants Blockbuster Inc. and Jay Wells in connection with this matter. I submit this affidavit in support of defendants' Opposition to Plaintiff's Motion for Leave To Take In Excess Of Ten Depositions.

3. I participated in a discovery conference with Plaintiff's counsel, Jim Gilbert, on May 1, 2006. During this conference, the issue of a "sixth witness" was discussed. Mr. Gilbert and I discussed the possibility of Blockbuster providing a supplemental Interrogatory answer related to this issue, but I did not agree to provide such a supplement, nor that supplementation was necessary.

4. In the Interrogatory in question, the Plaintiff asked for identification of all persons from whom Blockbuster sought information as part of its investigation of the Plaintiff's conduct. All such individuals were identified. In an effort to address the Plaintiff's concerns related to this issue, Blockbuster has now supplemented its

Interrogatory response to clarify that no sixth witness was interviewed in the investigation, but that Mr. Turano's name was mentioned during the investigation. A copy of Blockbuster's Supplement to Answers to Plaintiff's First Set of Interrogatories is attached hereto as Tab A.

5. Attached hereto as Tab B is a true and accurate copy of excerpts from the Deposition of Michelle Thompson.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 16, 2006.

/s/ Jenny K. Cooper

Jenny K. Cooper

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served electronically on counsel of record registered with the Electronic Case Filing System (ECF).

/s/ Jenny K. Cooper

Jenny K. Cooper